IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the August 22, 2006
Criminal Bail Application No. 663 of 2006
Order on bail application of accused

CRIMINAL SIDE

Rajkumar S/o Tirathpal @ Rishipal
R/o Village Dadheki
Police Station Laksar
District Haridwar .....Applicant

Vs

State of Uttarakhand .....Opposite Party

Arising out of Case Crime No.297 of 2005
Under Section 396, 397 I.P.C.
Police Station Manglaur
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail case in Crime No. 297 of 2005 Under Section 396, 397 I.P.C., Police Station Manglaur, District Haridwar.

Heard Sri Manish Arora, learned counsel for the applicant, leaned A.G.A. for the State and perused the record.

It was contended on behalf of the applicant that the applicant/accused is not named in the F.I.R. The F.I.R. was lodged on 13.12.2005 and the applicant/accused was arrested at the behest of the complainant after a lapse of three months i.e. 30.03.2006. The complainant was present at the time of the arrest. It was contended that the presence of the complainant at the time of arrest of the applicant is itself doubtful, which also creates doubt in the entire prosecution case.

The identification of the accused was done by the police. It was further contended that only to avoid the identification, the police has shown the presence of the complainant at the time of arrest. It was further pointed out that it is prevalent in District Haridwar that the presence of the complainant is always put there at the time of arrest of the accused. Considering the facts and the circumstances of the case in totality, it is a fit case for bail at this state.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

22-08-2006
ASWAL